

SUMMARY OF DIESEL RISK REDUCTION LEGISLATION
A3182 and SCR113
6/28/05

OVERVIEW

This bill sets the framework for a program that addresses an urgent public health issue: controlling particulate matter from diesel powered mobile sources. By reducing exposure to diesel particulates through the methodology outlined in this legislation, New Jersey can save lives and reduce health care costs. The environmental benefits achieved through this legislation include: a 120 ton per year reduction in diesel particulates through the installation of tailpipe retrofits or use of specialized fuels; a 200 ton per year reduction as the result of an enhanced anti-idling program; and a 200 ton per year reduction as the result of early introduction of ultra low sulfur diesel. In addition, controls on school bus engine emissions are expected to significantly reduce the high levels of particulates that children are exposed to while riding on school buses each day. These reductions will enable us to avoid up to 150 premature deaths each year and save up to \$1.4 billion in health care and related costs annually.

REQUIREMENTS

The NJDEP shall prescribe particulate reduction levels for each type of regulated vehicle, but vehicle owners can request an alternate reduction level if they can demonstrate that the control technologies required to meet the prescribed particulate reduction level are not compatible with their vehicle. Owners of regulated fleets must submit a fleet plan to the department for approval indicating the control technology that will be used to achieve the reduction levels required by the Department. To demonstrate compliance, the vehicle owner must certify that the control technology was installed and have the installation verified during its annual inspection.

REGULATED COMMUNITY

The following categories of vehicles will be affected by this legislation:

- School buses, publicly & privately owned
- Garbage trucks: publicly owned, or privately owned and used in a public contract
- NJ Transit buses
- Privately owned transit buses
- Publicly owned on-road and non-road vehicles

The legislation would also enhance enforcement of existing limits on idling for these and other diesel-fueled vehicles. In addition, the legislation would broaden existing requirements for the sale of ultra-low sulfur diesel fuel.

SCHOOL BUSES

The legislation requires that a closed crankcase ventilation system, which prevents emissions from escaping from the engine crankcase and entering the bus, be installed on all school buses in use at the time the legislation takes effect. Simultaneously, the Department would undertake a study to determine if emissions from the bus tailpipe are significantly affecting the air quality inside a school bus. If the results show that technologically feasible reductions in tailpipe emissions would significantly reduce the health risks associated with particulate matter exposure inside the cabin, the Department will have the authority to proceed with a requirement for buses to control tailpipe emissions as well as crankcase. This requirement will apply to buses that have at least 2 years remaining before the 12 year mandatory retirement date takes effect.

OTHER AFFECTED VEHICLES

Garbage trucks, transit buses, and publicly-owned on-road and non-road vehicles would be required to install retrofits of air pollution control technology, tailored to the type of vehicle and vintage of engine to provide the maximum cost-effective and technologically feasible reductions in emissions.

REIMBURSEMENT FOR RETROFIT COSTS; FUNDING SOURCE

A constitutional amendment has been introduced that would expand the authorized uses of the Corporation Business Tax revenue to allow approximately 14% of the dedicated funds to be used to reimburse fleet owners for 100% of the costs of complying with this legislation over the next ten years. It is anticipated that 14% equates to approximately \$14 million per year. The legislation would also prevent the Department from requiring that a regulated vehicle comply with the retrofitting requirements in any given year unless the money to fund the retrofits is available that year. On the other hand, the provisions of the legislation related to idling, ultra low sulfur diesel fuel, and the school bus study, are not contingent on funding from the constitutional amendment and therefore will take effect immediately.

IDLING

The legislation directs the Department to undertake a public education and outreach program focused on the health risks associated with exposure of children to diesel exhaust from idling school buses. The legislation also clarifies that local police have the authority to enforce NJDEP's idling regulations and increases penalties for those violations, to be consistent with the penalties assessed by NJDEP and local health agencies for similar violations.

ULTRA LOW SULFUR DIESEL FUEL

The legislation reiterates the federal mandate that after October 15, 2006, only ultra low sulfur diesel fuel (defined by USEPA as 15 ppm sulfur content) may be used in NJ for on-road vehicles. However, the legislation also allows the NJDEP to extend the requirement to non-road vehicles as of January 15, 2007 if a public hearing, conducted by NJDEP no earlier than July 2006, indicates that there is sufficient supply. Approximately 800 tons of particulate reductions can be achieved over the next four years if this early phase takes effect. Requiring non-road vehicles to use ultra low sulfur fuel in January 2007 is more stringent than the federal mandate which doesn't require ultra low sulfur fuel for this sector until 2010.

EMISSION REDUCTIONS

The measures described above will reduce emissions of fine particulates as follows:

MEASURE	REDUCTIONS (TONS PER YEAR)
Retrofits of school buses, publicly & privately owned (16,470 vehicles) ¹	11 ²
Retrofits of garbage trucks, publicly owned or privately owned and used in a public contract (2,180 vehicles) ¹	14
Retrofits of NJ Transit buses (1,993 vehicles) ¹	20
Retrofits of privately owned transit buses (7,588 vehicles) ¹	70
Retrofits of publicly owned on-road and non-road vehicles (2,138 vehicles) ¹	15
Ultra-low sulfur diesel fuel for non-road vehicles	600 in the first year; 70 in each of the following three years
Idling	200

¹Only vehicles prior to Model Year 2007 would be affected.

²Reductions attributable to control of tailpipe emissions

TIMELINE

The legislation takes effect immediately. The Department is required to adopt regulations within 9 months, and then compliance requirements will be phased in over several years, based on availability of funding.

COMPLIANCE AND ENFORCEMENT

The DEP will establish standards for persons installing retrofit technologies and will require that manufacturers of emission control technologies install durable and legible labels on each retrofit device used in NJ. The DEP will conduct outreach and prepare guidance documents to assist the regulated community in complying with this legislation. The Department will train its inspectors as well as Motor Vehicle Commission staff and employees of private inspection centers to ensure effective enforcement.

The Department will verify compliance with this legislation through record reviews and on-site random audits at fleet yards and other places of business.